

Notice of Allowability

Application No.

10/048,097

Examiner

Marie R. Yamnitzky

Applicant(s)

HOLMES ET AL.

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment received 27 June 2005.
2. ☒ The allowed claim(s) is/are 1-5, 7-19, 46 and 47.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification:

Page 3, line 12: "silyl-disubstituted" has been changed to --silyl-disubstituted--.

Page 9, line 23: "heteroaromatoc" has been changed to --heteroaromatic--.

Page 14, line 11: the text after "monomer" has been replaced with --conveniently--.

Page 24, line 3: the text between "7.33" and "3.54" has been replaced with --(s, 2H)--.

Page 24, line 4: the text between "7.15 Hz)," and "(m," has been replaced with --1.30-0.52--.

Page 24, line 19 (counting the formula as one line): "drytetrahydrofuran" has been changed to --dry tetrahydrofuran--.

In the claims:

The status identifier for claim 16 has been changed from "(Withdrawn)" to --(Original)--.

The status identifier for claim 17 has been changed from "(Withdrawn)" to --(Original)--.

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The specification has been amended to correct errors of a spelling and/or typographical nature. Regarding the changes to page 14, line 11 and page 24, lines 3-4, the text in the IFW is not clearly readable. The lack of clarity may be an artifact of scanning. The examiner has provided the text based on the text of pages 14 and 24 of the corresponding PCT publication.

Applicant's amendment received June 27, 2005 overcomes all grounds of rejection set forth in the Office action mailed January 25, 2005.

Since claim 1 is allowable, previously withdrawn claims 16 and 17, each of which depend ultimately from claim 1, are rejoined. The status identifiers are changed by this examiner's amendment to reflect rejoinder.

Claims 1-5, 7-19, 46 and 47 are allowed. Allowed claims 1, 2, 7, 13-19, 46, 47, 3-5 and 8-12 are renumbered as 1-20, respectively.

The following is an examiner's statement of reasons for allowance:

The prior art does not disclose or suggest a method as claimed in present claim 1.

The closest prior art references each fail to disclose or suggest at least one limitation recited in claim 1 and, absent applicant's disclosure, there is no motivation to combine the teachings of the closest prior art references with each other or with one or more additional references so as to arrive at the presently claimed method.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 6:30 a.m. to 4:00 p.m. Monday, Tuesday, Thursday and Friday, and every other Wednesday from 6:30 a.m. to 3:00 p.m.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

MRY
September 09, 2005



MARIE YAMNITZKY
PRIMARY EXAMINER

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